

In the
Indiana Supreme Court



IN THE MATTER OF THE)	
)	
APPROVAL OF LOCAL RULES)	Case No. 55S00-11 06 -MS-383
)	
FOR MORGAN COUNTY)	

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Morgan Circuit and Superior Courts request the approval of an amended local rule for selection of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Morgan Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR55-AR79-01 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Morgan County Local Rule, LR55-AR79-01, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Christopher L. Burnham, Morgan Superior Court, P.O. Box 1556, Martinsville, IN 46151-1556; the Hon. Jane Spencer Craney, Morgan Superior Court, P.O. Box 1556, Martinsville, IN 46151-1556; the Hon. G. Thomas Gray, Morgan Superior Court, P.O. Box 1556, Martinsville, IN 46151-1556; the Hon. Matthew G. Hanson, Morgan Circuit Court, P.O. Box 1556, Martinsville, IN 46151-1556; to the Clerk of the Morgan Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Morgan Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 23rd day of June, 2011.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR55-AR79: Local Rule for Selection of Special Judges in the Morgan County Circuit and Superior Courts

The procedure for selection of a Special Judge in cases before the Morgan Circuit and Superior Courts is promulgated pursuant to the authority of the Indiana Rules of Trial Procedure, Rule 79, and Indiana Administrative Rule 3 (effective January 1, 2011).

(A) Within seven (7) days of the issuance of an order granting a change of judge or an order of disqualification or recusal, the parties may agree, in writing, to a particular special judge.

(B) In the event there is no agreement or the judge selected under paragraph (A) does not assume jurisdiction, then the parties may agree, in writing, to the appointment of a special judge by the regular judge of the court where the case is pending.

(C) In the event there is no agreement or the judge selected under paragraphs (A) or (B) does not assume jurisdiction, then

(1) in cases wherein a change of judge has been granted under Trial Rule 76, the regular judge of the court where the case is pending shall name a panel under Trial Rule 79(F) consisting of the other regular judges and magistrates in Morgan County, or

(2) in cases wherein the regular judge has disqualified or recused under Trial Rule 79(C), the clerk of the court shall appoint a special judge, on a rotating basis, from a list of the judges and magistrates in the Circuit and Superior Courts of Hendricks County, as prescribed by Trial Rule 79(H) and Indiana Administrative Rule 3.

(D) In the event the judge selected under paragraph (C)(1) does not assume jurisdiction, the regular judge of the court where the case is pending shall appoint a special judge, on a rotating basis, from a list of the judges and magistrates in the Circuit and Superior Courts of Hendricks County, as prescribed by Trial Rule 79(H) and Indiana Administrative Rule 3.

(E) In the event the procedures set forth above do not result in a judge assuming jurisdiction, or regardless of the procedures above, the particular circumstances of the case warrants selection of a special judge by the Indiana Supreme Court, the regular judge of the court where the case is pending shall certify the matter to the Supreme Court.